

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THE ANNUITY, PENSION, WELFARE and TRAINING
FUNDS of the INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL 14-14B, AFL-CIO by its TRUSTEES
EDWIN L. CHRISTIAN, CHRIS CONFREY, JOHN CRONIN,
ALFRED GEROSA, AL GETTLER, JOHN HYERS,
DANIEL NOESGES and JOHN F. O'HARE and JOHN and
JANE DOE, Beneficiaries of the ANNUITY, PENSION,
WELFARE and TRAINING FUNDS of the INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL 14-14B,
AFL-CIO.

Plaintiffs,

-against-

EAST COAST MARINE CONTRACTING, INC.,

Defendant.
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This action having been commenced on June 30, 2005 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the Defendant EAST COAST MARINE CONTRACTING, INC. on November 29, 2005, by a Process Server, personal service on Carol Vogt, an authorized agent in the Office of the Secretary of State of New York State, and proof of service having been filed on December 12, 2005, and the Defendant EAST COAST MARINE CONTRACTING, INC. not having answered the Complaint, and the time for answering the Complaint having expired, it is,

ORDERED, ADJUDGED AND DECREED: That the Plaintiffs have judgment against Defendant EAST COAST MARINE, INC. as follows:

(a) That the Defendant shall cooperate in the performance of an audit by Plaintiffs' representative, by providing the following payroll records for the period of August 1, 2002

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JAN 12 2006 ★

P.M. _____
TIME A.M. _____

DEFAULT JUDGMENT

CV-05-4429 (SJ) (SMG)

through June 30, 2005: Tax Forms 941s; Quarterly Payroll Tax Forms a/k/a NYS-45 Tax Forms; Corporate Payroll Records (including information identifying hours paid and gross wages); Cash Disbursements Records; Tax Forms W-2s; Payroll Reports (provided to the union or fund office, if applicable); and Canceled Checks, for the express purpose of determining whether there has been a deficiency in the required fringe benefit contribution payments to the Plaintiff Trust Funds;

(b) That the Defendant shall pay any determined deficiency, as identified in the report to be issued by the Plaintiffs' representative, within thirty (30) days of receipt of notice of the deficiency from the Plaintiffs within interest from the date on which such deficiency came due, at the rate of six percent (6%), along with liquidated damages in the amount of twenty percent (20%) of the scheduled deficiency amount;

(c) That the Defendant shall also pay the costs of said audit; and

(d) That the Plaintiffs are awarded attorneys' fees in the amount of \$1,437.50, along with costs in the amount of \$470.00, for a total liquidated amount of \$1,907.50.

ORDERED that the Judgment rendered by the Court on this day in favor of the Plaintiffs be entered as a final judgment against Defendant EAST COAST MARINE CONTRACTING, INC. and the Clerk of the Court is directed to enter such Judgment forthwith.

Dated: Brooklyn, New York
January 7, 2006

SO ORDERED:

s/SJ
Sterling Johnson, U.S.D.J.

Judgment Entered:

Clerk

By: _____